

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:17-cv-00091-MR-DLH

PAUL DAVID BROOKS,
Plaintiff,
vs.
NANCY A. BERRYHILL, Acting
Commissioner of Social Security,
Defendant.

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion for Summary Judgment [Doc. 11]; the Defendant's Motion for Summary Judgment [Doc. 13]; the Magistrate Judge's Memorandum and Recommendation regarding the disposition of those motions [Doc. 16]; and the Plaintiff's Objections to the Memorandum and Recommendation [Doc. 17].

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider these pending motions in the above-

captioned action and to submit to this Court a recommendation for the disposition of these motions.

On July 19, 2018, the Magistrate Judge entered a Memorandum and Recommendation [Doc. 16] in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the disposition of these motions [Docs. 9, 10]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Plaintiff timely filed Objections on August 2, 2018 [Doc. 17].

After careful consideration of the Magistrate Judge's Memorandum and Recommendation [Doc. 16] and the Plaintiff's Objections thereto [Doc. 17], the Court finds that the Magistrate Judge's proposed findings of fact are correct and that his proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Plaintiff's Objections and accepts the Magistrate Judge's recommendation that the Commissioner's decision should be affirmed.

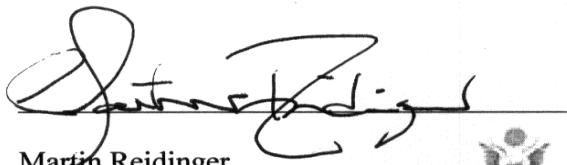
IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 16] is **ACCEPTED**; the Plaintiff's Objections thereto [Doc. 17] are **OVERRULED**; the Plaintiff's Motion for Summary Judgment [Doc. 11] is **DENIED**; the Defendant's Motion for Summary Judgment [Doc.

13] is **GRANTED**; and the decision of the Commissioner is hereby **AFFIRMED**. This case is hereby **DISMISSED**.

A judgment shall be entered simultaneously herewith.

IT IS SO ORDERED.

Signed: August 3, 2018



Martin Reidinger
United States District Judge

